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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted the Asian-Eurasian Human Rights Forum, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[01 September 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Human Right of IDPs

Mr. Chairman,

Twenty-five years ago, in 1990, more than four hundred thousand people of a religious minority, called Kashmiri Pandits, in the Indian part of the State of Jammu and Kashmir, were forced out of their millennia-old homeland of Kashmir Valley at gun point. Externally sponsored and abetted religion-based terrorists forced them out of their homes and hearths.

This small religious minority community, documented as "reverse minority" in the definition of "minority" in UNHRC Working Group on Minorities, and in fact the indigenous people of the region, has braved many onslaughts of human aberration and vicissitudes of history till it was reduced to a bare seven per cent of the total population of Kashmir before their forced exodus. After wholesale ethnic cleansing in Kashmir, this miniscule community got widely dispersed in different parts of the Indian Union but did not cross the national borders. The hardships of enforced exile hardly need to be elucidated.

Notwithstanding the fact that this religious minority fulfills the criterion of Internally Displaced Persons in consonance with the definition of IDPs in the UN Human Rights Charter, the Government of India and the Government of the federating State declined to give them the proper nomenclature of IDPs thus depriving them of the rights accruing to them by the UNHRC definition. They are given the sobriquet of "Migrants" which is unrealistic as well as unjust. It is rather adding salt to their wounds.

During last twenty-five year period of their exile, the Government of India never made any serious effort of rehabilitating them back in their original homeland perhaps owing to insecure conditions in the region.

The coalition governments that assumed power in the federating State in February last, has incorporated in its Common Minimum Programme the task of return and rehabilitation of the internally displaced ("migrant") community back in their homeland

In pursuance of this stipulation, the Prime Minister of India and the Chief Minister of the federating State met in May 2015 in New Delhi and agreed on the return and concentrated rehabilitation of the displaced community back in their original place of Kashmir Valley.

Within 24 hours of this formal announcement, the majority religious community in Kashmir Valley, prompted by the local prejudicial leadership, staged massive opposition to the return and concentrated rehabilitation of the small religious minority of Kashmiri Pandit IDPs to their homeland. Political leaders in Kashmir gave a call for strike and suspension of normal life by way of protest. The strike was complete.

In the Legislative Assembly of the federating State, which happened to be in session at that time, treasury benches (barring a few) as well as the opposition members, forcefully, rather vengefully, opposed the return and concentrated rehabilitation plan for the displaced persons back in their homeland. Some of the diehards among them demanded an apology from the extirpated community why it departed and not surrendered either for conversion of faith or submission to their sword.

The Chief Minister of the federating State changed the goalpost more than once, mincing words and speaking in parables but not making any commitment to what he had agreed to

in the Common Minimum Programme and also in the course of his meeting with the Prime Minister of India, followed by official announcement.

The Prime Minister of India, on knowing the reaction of the majority community in Kashmir, has remained tight-lipped. Obviously, he is dragging his feet. Vote bank politics has supervened universal human rights.

Mr. Chairman, it is a clear instance of the majority community rigorously perpetuating exclusiveness through ethnic cleansing of a region undertaken twenty-five years ago. The governments of the federating state and the Union of India are not disposed to take any action and fulfill their duty of upholding the rights of the internally displaced persons to return and restitute in their homeland in a manner they feel safe and secure.

Mr. Chairman, the oppressed and exiled community of Kashmiri Pandits is the indigenous population of the region with five thousand years of written history; it is the victim of ethnic cleansing, it is a miniscule religious minority living in exile for last two decades and half, and it is a totally defenseless community suffering innumerable hardships like discrimination, extirpation, exile and persecution. The majority community in the region of their origin considers the valley something like a private estate where the original inhabitants cannot enjoy the right of settlement and development.

Mr. Chairman, the Government of India failed (a) to provide security of life and property to the religious minority of Kashmiri Pandits in the face of externally sponsored religion-based terrorism in 1990. This is tantamount to abuse of the Constitution of India which promises that Indian State will uphold the right to life of its citizens: (b) Government of India has knowingly refused to give these victims of ethnic cleansing their proper nomenclature of Internally Displaced Persons and calls them "Kashmiri Migrants" which is blatant distortion of history and denial of rights: (c) Government of India has failed to take a bold and humanistic step of concentrated rehabilitation of the displaced community in their homeland and (d) the Government of India has succumbed to majority pressure because of vote bank politics and, in the process, has compromised with the violation of the rights of the Kashmiri Pandit IDPs.

Finally, Mr. Chairman, our NGO demands that the government of India formally declare Kashmiri Pandits as Internally Displaced Persons in accordance with the proper definition scripted in the UNHRC documentation. We also demand that the UNHRC emphasize upon the Government of India to rehabilitate the Kashmiri Pandit IDPS back in their homeland wherever and in whatever manner they feel satisfied without refoulment.

Kashinath Pandita

Secretary General,

AEHRF